

April 26, 2005

The Lincoln County Board of Commissioners met at 8:30 A.M. on April 26, 2005 with members Burdell Coplan, Michael Poppens, Otto Hagedorn, and Dennis Weeldreyer present. Jim Schmidt was absent. The meeting was called to order with the Pledge of Allegiance to the Flag. The Auditor was clerk of the Board.

Motion by Coplan and seconded by Hagedorn to approve the minutes of April 12, 2005 and April 19, 2005. Motion carried.

The attorney and engineer from Lewis and Clark Rural Water were present to discuss the Lincoln County disclaimers for easements and the blow off valves for the pipeline.

Representatives from the Lennox, Hudson, Tea and Canton fire departments were present to discuss funding from the County for rural fire departments.

The Sheriff's Mileage report for the month of March 2005 was presented.

The Clerk of Courts report of disbursement of Funds for month ending March 31, 2005 was presented as follows: State Fines \$6,857.57, Penalties \$.00; State Costs \$142.00, State Forfeiture \$770.00, Cash Fees \$1,469.00, Law Library \$244.00, Petty Offense \$450.00 Divorce Fees \$300.00, Court Appointed Attorney Repayments \$519.57.

Motion by Coplan and seconded by Hagedorn to approve the following abatements: Parcel No. 280.80.00.002A in the amount of \$3,021.22 as the property was tax exempt. Motion carried.

Motion by Poppens and seconded by Hagedorn to approve the Clerk's Bond for Springdale Township.

Motion by Coplan and seconded by Poppens to approve the Application, Affidavit for Replacement Warrant presented pursuant to the provisions of SDCL 4-9-22 for replacement of Warrant #31658 issued on 1-25-05 in the amount of \$41.28 payable to Bryan Bertrand, said warrant having been lost. Motion carried.

The General Fund Surplus Analysis as of March 31, 2005 was presented. The total amount of the unreserved, undesignated fund balance of the general fund of Lincoln County, South Dakota as of March 31, 2005 is \$2,709,769.96.

RESOLUTION: BE IT RESOLVED that the County Auditor is hereby authorized and directed to publish 'NOTICE OF HEARING' for consideration for rezoning the described property from "A" Agricultural and Public Use District to "PD" Planned Development District: Tract 1 of Butzers Addition in the Northwest One Quarter (NW1/4) in Section 20, Township 100 North, Range 50 West of the 5<sup>th</sup> P.M., Lincoln County, South Dakota. Said Hearing to be held at 9:00 A.M. on May 24, 2005. Motion by Poppens and seconded by Coplan. All Commissioners present voted "Aye".

RESOLUTION: BE IT RESOLVED that the Plat of Lot 1 of Backyard Broadcasting Addition in the Northeast One Quarter (NE1/4) Section 16 Township 100 North Range 49 West of the 5<sup>th</sup> P.M., Lincoln County, South Dakota, prepared by Eugene F. Maurice, a Licensed Land Surveyor, in and for the State of South Dakota, was duly submitted to the Board of County Commissioners of Lincoln County, and that after due consideration of the same Board, approved said plat. Motion by Coplan and seconded by Poppens. All Commissioners present voted "Aye".

RESOLUTION: BE IT RESOLVED that the Plat of Nygard's Tract, an Addition in Government Lots 2, 3 and 6 of Section 12, Township 96 North, Range 48 West of the 5<sup>th</sup> P.M., Lincoln County, South Dakota, prepared by Charles M. Hanson, a Licensed Land Surveyor, in and for the State of South Dakota, was duly submitted to the Board of County Commissioners of Lincoln County, and that after due consideration of the same Board, approved said plat. Motion by Hagedorn and seconded by Poppens. All Commissioners present voted "Aye".

RESOLUTION: BE IT RESOLVED that the Plat of Tract 1 of Solem's Addition, an Addition in the North Half of the Northwest One Quarter (N1/2NW1/4) of Section 31, Township 97 North Range 49 West of the 5<sup>th</sup> P.M., Lincoln County, South Dakota, prepared by Brian L. Fowlds, a Licensed Land Surveyor, in and for the State of South Dakota, was duly submitted to the Board of County Commissioners of Lincoln County, and that after due consideration of the same Board, approved said plat. Motion by Coplan and seconded by Hagedorn. All Commissioners present voted "Aye".

RESOLUTION: BE IT RESOLVED that the Plat of The Bluffs at Spring Creek Addition, an Addition in the South One Half of the South East One Quarter (S1/2SE1/4) of Section 22, Township 100 North Range 49 West of the 5<sup>th</sup> P.M., Lincoln County, South Dakota, prepared by Mark A. Turner, a Licensed Land Surveyor, in and for the State of South Dakota, was duly submitted to the Board of County

Commissioners of Lincoln County, and that after due consideration of the same Board, approved said plat. Motion by Poppens and seconded by Coplan. All Commissioners present voted "Aye".

RESOLUTION: BE IT RESOLVED that the Plat of Harris Tract 2, located in the South East One Quarter (SE1/4) of Section 25, Township 100 North Range 50 West of the 5<sup>th</sup> P.M., Lincoln County, South Dakota, prepared by Jon D. Heck, a Licensed Land Surveyor, in and for the State of South Dakota, was duly submitted to the Board of County Commissioners of Lincoln County, and that after due consideration of the same Board, approved said plat. Motion by Hagedorn and seconded by Poppens. All Commissioners present voted "Aye".

RESOLUTION: BE IT RESOLVED to table the decision on the Plat of Tract 35A of Sky Haven Heights in the North West One Quarter (NW1/4), of Section 30, Township 100 North Range 50 West of the 5<sup>th</sup> P.M., Lincoln County, South Dakota, until May 3, 2005. Motion by Poppens and seconded by Hagedorn. All Commissioners present voted "Aye".

Mike Nadolski and Ross Wright met with the Board to announce that Ross Wright passed the bar and was notified on April 7, 2005. Motion by Coplan and seconded by Poppens to move Ross Wright to the D-62 salary classification retroactive to April 7, 2005. Motion carried.

RESOLUTION: WHEREAS, Springdale Lutheran Church has requested use of County Highway #135 north of the Springdale Lutheran Church for a landing strip for a Fly-in on June 5, 2005, BE IT RESOLVED that upon stipulation that the requirements of posting and flagging as required by South Dakota Regulations are met, the request is hereby approved. Motion by Poppens and seconded by Coplan. All Commissioners present voted "Aye".

Motion by Poppens and seconded by Hagedorn to approve out of County travel requests for the Auditor, Treasurer and Equalization offices for the CMS Users Meeting in Chamberlain, South Dakota on the 19<sup>th</sup> of May, 2005.

Bids were opened as published for an Enclosed Mobile Air Compressor System.

The following bid was received: M&T Fire and Safety of Volga, SD \$51,329.00

RESOLUTION: BE IT RESOLVED to accept the low bid from M&T Fire and Safety of Volga, SD of \$51,329.00 for an Enclosed Mobile Air Compressor System. Motion by Poppens and seconded by Hagedorn. All Commissioners present voted "Aye".

Marlene Sweeter met with the Board and presented claims from Avera McKennan Hospital.

Motion by Poppens and seconded by Hagedorn to deny the claim of Avera McKennan Hospital Account #M1001065 in the amount of \$4570.44 as the individual was offered health insurance through employer and declined the offer.

Motion by Hagedorn and seconded by Poppens to deny the following claims from Avera McKennan Hospital Account #M1010712 in the amount of \$45,079.64 and #M1017763 in the amount of \$8784.39 as the individual had the capability of purchasing health insurance but chose not to purchase it and to deny additional claims #M1040414 in the amount of \$592.93, #M1015379 in the amount of \$782.17 and #M1033590 in the amount of \$10,495.61 as prior approval is required for non-emergency procedures. Motion carried.

A request was presented for a 55-year-old resident of Lincoln County who has applied for disability but has not received a determination yet who is in need of prescription drugs. Motion by Coplan and seconded by Poppens to approve assistance for a three month supply of the needed prescription drugs in the amount of \$843.62 payable to Lewis Drug. Motion carried.

A compromise offer was presented to the Board on County Aid lien #35 with an outstanding balance of \$6740.99. An offer of a one-time payment of \$3370.50 was presented to satisfy the lien. Commissioners asked that this individual check with the title company that handled the sale of her property and find out why the lien was not noted at that time.

A compromise offer was presented to the Board on County Aid lien #85 with an outstanding balance of \$48,184.54. An offer of a payment of \$5000.00 was presented to satisfy the lien. Motion by Poppens and seconded by Coplan to decline the compromise offer. Motion carried.

Motion by Poppens and seconded by Coplan to recess as the County Board of Commissioners in order to convene as the Lincoln County Board of Equalization. Motion carried.

The Board reconvened as the Board of County Commissioners.

Toby Brown with SECOG met with the Board on the CDBG grant for South Lincoln Rural Water.

RESOLUTION: BE IT RESOLVED that the County Auditor is authorized and directed to publish the Combined Notice of Finding of No Significant Impact and Intent to Request Release of Funds for the

Community Development Block Grant for South Lincoln Rural Water. Motion by Poppens and seconded by Hagedorn. All Commissioners present voted "Aye".

RESOLUTION: BE IT RESOLVED that the Lincoln County Auditor is hereby authorized to execute the updated service agreement with Hauge Associates, Inc. for the collection of county aid liens upon approval from the Lincoln County Deputy States Attorney. All Commissioners present voted "Aye".

RESOLUTION: BE IT RESOLVED that a new polling location for Sioux Falls City Precincts 1-11 and 1-12 be established at the First Evangelical Free Church, Sioux Falls, SD; a new polling location for Sioux Falls City Precincts 1-13 and 1-14 be established at Central Baptist Church, Sioux Falls, SD; and a new polling location for Sioux Falls City Precincts 2-12 and 2-13 be established at Linwood Wesleyan Church, Sioux Falls, SD. Motion by Poppens and seconded by Coplan. All Commissioners present voted "Aye".

RESOLUTION: BE IT RESOLVED that the Vice-Chairman is hereby authorized to execute the Agreement by and between Lincoln County and Brower Construction Co. for the Project: 2005 Lincoln County Asphalt Paving Project. Motion by Hagedorn and seconded by Coplan. All Commissioners present voted "Aye".

Motion by Coplan and seconded by Hagedorn to approve the application for entrance from a Lincoln County Highway for Todd or Teunis VanVoorst for an entrance to be located along Lincoln County Highway No. 135 in Lincoln County, South Dakota. Motion carried.

Motion by Coplan and seconded by Hagedorn to approve the application by Southeastern Electric Company for a permit to locate across the right of way of Lincoln County Highway No. 116 in Lincoln County, South Dakota located between Section 19 NE Township 99N Range 50W and Section 18 SE Township 99N Range 50W. Motion carried.

The following claims were approved:

General Fund: Accurate Reporting, mi hearing \$38; Active Data Systems, supplies \$80.56; Avera McKennan University, mi evaluation \$90; Pat Beck, deposition \$38; Blackburn & Stevens, crt appt atty \$172.60; Brown & Saenger, supplies \$167.48; Jason Burns, gas \$5; C & R Supply, parts \$23.92; Canton Public Library, budget allocation \$4,900; Century Business Leasing, copier lease \$308.23; Century Business Products, copier maint \$95.19; Cole Papers, computer paper \$438.90; Countryside Convenience, gas \$171.27; Dave's Service & Repair, service vehicle \$84.40; Donna Dietrich, mi evaluation \$123.27; DTN Corp, satellite subscription \$177; Marv Ekeren, mi evaluation \$15; Elite Business Systems, duplicator masters \$108.85; Express Attorney Services, serve papers \$174; John Frislie, mileage \$16; Great Plains Psychological, crt appt expert witness \$120; Otto Hagedorn, travel expense \$214.79; Haisch Pharmacy, photo developing \$149.98; Michele Hargrave, travel expense \$74.24; Avera Heart Hospital, blood alcohol draws \$72.50; Marie Heimdal, crt reporter \$235.80; Paul Hofer & Sons, roof/fairgrounds poultry barn \$7500; Harvey Hoffman, mileage \$9.60; Interstate Office Products, supplies \$366.81; Iowa Office Supply, supplies \$109.98; KB's True Value, supplies \$12.99; LCM Pathologists, autopsy \$1,575.07; 1<sup>st</sup> Qtr coroner billing \$464; Lennox Independent, ads \$84.70; Lennox Public Library, budget allocation \$4000; Lewis & Clark, mi hearing \$390; LexisNexis, online chrgs \$266; Loren Long, mileage \$7.68; Lyon Co Sheriff, serve papers \$34.27; MacArthur Estates, county assistance \$406; Martin Co Sheriff, serve papers \$57.40; McLeod's Printing, printed supplies \$525.15; MidAmerican Energy, utilities \$1,189.96; MidContinent Communications, internet \$190; Mikelson Law Office crt appt atty, 333.59; Minnehaha Co Auditor, mi evaluations \$652.50; Mobile Electronic Service, equip \$3,103.51; June Nusz, mileage \$9.60; OfficeMax Credit Plan, supplies \$361.83; Pederson Machines, parts \$361.83; Pennington Co Jail, prisoner transports \$115.78; Pitney Bowes, supplies \$147.23; Richard Portz, mileage \$16; Prairie Publication, publishing \$668.83; PrairieWave, internet \$34.95; Pump n' Pak, gas \$97.41; Qualified Presort, mv renewals \$864.08; Quill, supplies \$323.95; Qwest, utilities \$433.16; Cathy Rehfuss, mi evaluation \$15; Maxine Risty, crt reporter \$310.25; Ron's Motor, leaf blower \$159.95; SD State Treasurer, alcohol/drug tests \$869; SDACC, registration \$100; SDACO, registration \$350; SDCLE, directory \$30; Sioux Falls Humane Society, animal care \$837; Staples Credit Plan, supplies \$252.87; Toby's, service/repair \$107; Stacy Wiebesiek, crt reporter \$100; Duane Woods, county assistance \$300; Ross Wright, registration \$50; Yankton Co Sheriff, serve papers \$16.50; Zomer Plumbing & Heating, clean/check air conditioner \$137.70. Auditor's Office Payroll, \$9,701.39; Treasurer's Office Payroll, \$16,899.39; Equalization Office Payroll, \$17,537.83; States Attorney Office Payroll, \$24,610.67; Register of Deeds Office Payroll, \$10,262.47; Veteran's Service Officer Payroll, \$1,455.18; GIS Office Payroll, \$2,916.35; Custodians Payroll, \$6,468.53; Sheriff's Office Payroll, \$37,836.91; Extension Office Payroll, \$4,142.80; Weed Control Payroll, \$900.00; Planning &

Zoning Office Payroll, \$2,916.35; FICA Match, \$8,027.99; Medicare Match, \$1,877.53; SDRS Match, \$8,848.23; Group Insurance Match, \$7,247.48.

Road Fund: Century Business Leasing, copier lease \$25.95; Century Business Products, copier maint \$5.48; Paul's Storage, repairs \$83.96; Huron Culvert & Tank Co, culvert \$1,896.56; Kip's Plumbing, repair \$45.91; Mac's, carpet \$71.70; MidAmerican Energy, utilities \$696.82; Xcel Energy, utilities \$24.72. Payroll, \$44,788.30; FICA Match, \$2,605.46; Medicare Match, \$609.34; SDRS Match, \$2,612.19; Group Insurance Match, \$3,697.46.

Communications Fund: PrairieWave, internet/tower rent \$140.95; Qwest, tower rent \$1,619.68. Payroll, \$17,900.40; FICA Match, \$1,038.93; Medicare Match, \$242.99; SDRS Match, \$1,074.02; Group Insurance Match, \$1,569.30.

Emergency Management Fund: Sioux Falls Two-Way Radio, install equip \$12,206.28. Payroll, \$3,180.08; FICA Match, \$179.89; Medicare Match, \$42.07; SDRS Match, \$190.80; Group Insurance Match, \$376.71.

Solid Waste Fund: Eastern Farmers Co-op, gas/fuel/kerosene \$1,001.41; City of Sioux Falls, utilities \$9,031.12. Payroll, \$5,400.36; FICA Match, \$326.61; Medicare Match, \$76.39; SDRS Match, \$324.02; Group Insurance Match, \$198.64.

Airport Fund: Scott Heim, travel expense \$209.70; Ron Keehnan, travel expense \$120.20; Larry's I-29 T/S, diesel \$60.05; Meteorlogix, satellite subscription \$447.

The Board adjourned until 8:30 A.M. on May 3, 2005.

Lincoln County Board of Commissioners

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Dennis Weeldreyer, Vice-Chairman

Attest: \_\_\_\_\_  
Paula Feucht, Auditor

Approved \_\_\_\_\_